Remarks/Arguments

Claims 1-15 are pending and stand rejected on varying grounds under §103(a).

The February 8, 2005 Office Action was responsive to an Amendment and Response filed on or about Octoer14, 2004. Claims 1, 5, 6, 13, and 14 were amended in the October 14, 2004 Amendment.

Claim 1 has been amended to further clarify the claimed subject matter. No new matter has been added by any of the amendments.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-15 and withdraw the rejection of these claims.

a) Claims 1-9, and 11-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide et al (EP 1093271 A2) and further in view of Appelman, (U.S. Patent No. 6,750,881).

Claims 1, 5, 8, and 13 are in independent form and define in varying scope various aspects of the claimed invention.

Masahide et al describes a method to promote communications by changing a character 2, e.g. as displayed on/at an IRC client device, using IRC (Internet Relay Chat) protocol. IRC allows for a form of communication over the Internet that is architecturally different from Instant Messaging (IM). IRC does not have the framework of an IM protocol. For example and more

specifically IRC according to Masahide et al. does not define access control mechanisms nor does IRC support persistent status notifications, e.g. as provided, respectively, by "buddy" lists and "presence" indications when utilized according to the inventive approaches of the present application. Masahide et al. does not control the client device or basic functionality of the intelligent device, rather it changes a character at a user terminal (icon face blushes, smiles, nods, arm waves, icon speaks, light flashes, etc.) to thereby display a "message" to a user at a user device and thus encourage or promote communications.

Appelman discusses a graphical interface to display logon status of co-users, e.g. members of various 'buddy lists' and IM proxies. There is no discussion or suggestion in Appelman as to how any of these constructs can be used in a novel way to effect control of an intelligent device such as variously claimed.

In overview the present application deals with apparatus and methods that utilize existing Instant Messaging (IM) protocols (or IM clients or servers) to control "intelligent" devices, eg., turn on or off or otherwise enable or disable the device, select a channel, etc. at the device, and provide a "least intrusive" process to do so. The fundamental functionality of the intelligent device is altered as a result of the control methodology. This is done by configuring a plurality of pre-set commands and "presence states" at the IM client and Servers without making modifications to the core IM protocol or introducing any new protocols. Access control is provided using a known IM construct, i.e. 'Buddy List' in a novel manner that includes adding one or more of the intelligent devices to one or more IM 'buddy lists' together with appropriate

control messages. In some embodiments the device status is tracked and available using another IM construct, i.e. 'presence' together with the presence states that have been configured.

It is further noted that Applicant is not claiming IM protocols, buddy lists or presence paradigms or remote control per se, but rather a novel way of using these IM constructs to effect control of functionality of an intelligent device as variously claimed.

The Examiner maintains that Masahide et al teaches the invention substantially as claimed including a system and method for supporting communication and conveying commands to physical devices through an instant messaging protocol (see abstract). Applicant respectfully submits that the Examiner is overstating the substance of the abstract and suggests that the abstract does not appear to teach the invention substantially as claimed. The abstract teaches a communication promotion method to support/encourage communication by a plurality of users. Commands are sent from an administrative device, responsive to detecting an event in a channel (IRC talk group) via IRC to one or more other user terminals and used by the other terminals to control a character such that the character operates (is displayed, makes noise, lights up) according to the command (see also FIG. 3 and FIG. 7 and associated discussions) in a fashion that gets the users attention.

Referring to claim 1, the Examiner maintains that Masahide teaches a method for controlling an intelligent device over a communication network, the method comprising the steps of:

coupling the physical device having a first IRC client to a control station having a second IRC client using the communication network and IRC protocol (see figs. 1-3; col..8, lines 35-45; col. 9, Masahide discloses that a physical devices is connected to an instant messaging client).

The Examiner concedes that Masahide fails to teach the Claimed limitation of Instant Messaging

protocol, but indicates that Masahide does teach that the intelligent device is controlled through an instant relay chat protocol (IRC) (see (col.1-2).

The Examiner then indicates that communicating via an Instant Messaging (IM) protocol is old and well known in the art and relies on or takes "Official Notice" that the concept and advantages of using Instant Messaging servers and protocol is old and well known in the art, as evidenced by many cited references in this office action including references such as "Appelman 881", Crawford 608", "Greene 173" and then concludes "It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by implementing the intelligent device control in an Instant Messaging system since Instant Messaging systems represents an advanced protocol based on the Instant Relay chat. One would be motivated to do so since Instant Messaging is a popular protocol used on the Internet for real-time communication."

Applicant respectfully notes, that however well known IM protocols may be, Masahide et al does not show coupling the intelligent device having a first IM client to a control station having a second IM client using the communication network and an IM protocol, e.g., an IRC client is not an IM client, as claimed, although Applicant concedes that coupling IM clients via IM protocol is known. Applicant further notes that none of the plethora of prior art references concerning IM protocol and constructs that have been found, whether taken singularly or in combination, show or suggest the inventive methods and apparatus for controlling via IM protocol an intelligent device as variously claimed.

The Examiner next maintains that controlling the intelligent device by sending an instant message from the control station, the instant message comprising a command is shown or suggested by Masahide et al (construing col. 10, line 30; col. 11, lines 20-30, to conclude that Masahide discloses that physical devices are added to an instant messaging channel and that control commands are relayed to the physical devices through the attached instant messaging client). Applicant respectfully notes that Masahide et al uses IRC constructs and protocols for sending instant messages to control a character at a

user device rather than IM protocols and constructs to effect control of an intelligent device as variously claimed.

The Examiner then concedes that Masahide fails to teach adding the intelligent device to an IM "buddy" list, the IM buddy list allowing access to the intelligent device, but maintains that Masahide does teach that a channel is created and instant messaging clients and their associated physical devices join a chat channel, which allows access to the devices logged in to the channel (see col. 8-10). The Examiner then relies on Appleman and maintains that this reference teaches a user definable on-line co-user lists (see abstract). Appleman teaches adding a client to an IM "buddy" list, the IM buddy list allowing access to the client's on-Line status (see figs. 1-6; col. 3, lines 20-60). The Examiner concludes that "It would have been obvious to one of ordinary skill the art at the time of the invention to modify Masahide by implementing a buddy list as taught by Appleman. One would be motivated to do so to define a user group."

Even assuming Appleman teaches or suggests these concepts, Appleman does not show or suggest adding a client to an IM "buddy" list in order to allow the control station access to the intelligent device for controlling the intelligent device as explicitly indicated in claim 1. Nor does Appleman show or suggest an intelligent device controllable from the control station only when an IM "buddy" list of the control station includes the intelligent device as required by claim 5 or "the controlling occurring only when an IM "buddy" list for the control station includes the intelligent device" as recited by claim 13.

Claim 8 defines an intermediate controller that operates over a network using IM protocols to control an intelligent device as recited. Claim 8 includes a feature "create an IM user list and an access control list corresponding to the intelligent device and to a user" and then "provide IM control of the intelligent device by the user in accordance with the access control list. The Examiner with reference to claim 3 maintains that Masahide et al citing col. 9, lines 1-50 teaches an event table for IRC clients that functions as an access control list for physical devices. Applicant respectfully submits that this column

does not define or suggest any access control list as the passage merely indicates that a module 33 determines an operation instruction corresponding to a specified event based on a table 34 and a destination IRC client. The Examiner then cited Appleman FIGs. 1-6 and col. 3, lines 30-45 for the proposition that Appleman teaches creating an IM user list and an access control list corresponding to clients and providing control of the intelligent device by the user in accordance wit the access control list. Applicant respectfully submits that this passage of Appleman has nothing to do with any access control list much less control of the intelligent device by the user as claimed. The passage speaks to defining user groups or group names for buddy lists, etc. The passage at col. 3, lines 48-64 does speak to a scheme for determining whether a given user can be added to a buddy list, however there is no hint of an access list as claimed. Applicant respectfully submits that Masahide et al or Appleman alone or together do not show or suggest the features of claim 8.

Thus and for the reasons noted above Masahide et al and Appleman taken alone or together do not show or suggest all limitations of the method of controlling an intelligent device using IM protocols and constructs as specifically defined in claim 1 or the intelligent device of claim 5 or the intermediate controller of claim 8 or the control station of claim 13. Therefore, Applicant respectfully submits that these references do not support a 35 U.S.C. 103(a) rejection of claim 1, 5, 8, or 13 or by virtue of dependency dependent claims 2-4, 6-7, 9, 11-12, or 14. Applicant thus respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-9, and 11-14 under 35 U.S.C. 103(a) based on Masahide et al (EP 1093271 A2) and further in view of Appelman, (U.S. Patent No. 6,750,881).

b) Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide in view of Appleman and further in view of Green U.S. Patent NO. 6,668,173.

Claim 10 is dependent on claim 8 and claim 15 is dependent on claim 13. In view of the discussions above claims 8 and 13 are believed to be allowable over these references. Thus by virtue of dependency claims 10 and 15 should likewise be allowable.

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited reference of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable other than the Petition for a one month extension separately noted, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. **50-3435.**

Respectfully submitted,

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Attachments

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